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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/416,278

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BRADLEY S. TEMPLETON

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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/416,278

Applicant(s)

TEMPLETON, BRADLEY S.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8,28-35,37-49,53-57 and 72-81 is/are pending in the application.
- 4a) Of the above claim(s) 28-35,37-49 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,54-57 and 72-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a non-final office action in response to the communications received 05/08/2006. In this response, Applicant elected Group I with traverse. Therefore, claims 28-35, 37-49, and 53 were withdrawn. Claims 1 and 73 have been amended and claims 74-81 have been added. Claims 1, 3-8, 54-57, and 72-81 are now pending in this office action.

#### ***Response to Restriction Requirement***

2. Applicant's election of Group I in the reply filed on 05/08/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Claim Objections***

3. Claim 78 objected to because of the following informalities: typographical error. Claim 78 recites "a non-common requesters", which should more appropriately be --a non-common requester--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 7, 8, 54, and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites "the target's availability". It is unclear, since two targets (T-A and T-B) are recited in claim 1, as to which target is specifically being referred to in this instance. Further,

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claim 7 recites “the availability of the requester”, but claim 1 recites two requesters (R-A or R-B). Therefore, it is unclear as to which specific requester is being recited. Claims 8 and 54 contain similar deficiencies. Clarification and correction is required.

Claim 55 depends from claim 54 and therefore contains the same deficiencies.

Claim 8 further recites “a request is sent to a plurality of targets and mutual availability is determined when the requester and a quorum of all the parties is available”. However, this limitation contradicts the limitations of claim 1, wherein single requesters are requesting meetings with single targets. Thus, it is unclear as to what the scope of claim 8 is. Clarification is required. For examination purposes, this limitation has been construed as --a request is sent to a plurality of targets and mutual availability is determined when the requester and a target is available--.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 3-8, 54-55, 72-79, and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by Gisby et al. (U.S. 6,044,146).

As per claim 1, Gisby et al. teaches a computer-implemented method for the intermediation of real time meetings, comprising:

receiving an indication by a requester system that a requester (R-A) wants to request a realtime meeting M-A with a target T-A (See figures 2 and 3, column 2, lines 33-39, column 3, lines 1-14, wherein incoming calls are received because a caller needs a meeting with a target agent);

sending to a decider system (D) a request to conduct a real time meeting M-A (See figures 2 and 3, column 5, lines 1-20 and 40-55, wherein a system receives the request for the meeting and queues the request);

queuing the request for the meeting M-A by the decider system (See figures 2-3, column 5, lines 20-40, wherein the request is queued);

receiving by the decider system (D) an availability status of T-A (See column 3, lines 1-5, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

receiving by the decider system (D) an availability status of R-A (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the

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availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

receiving an indication by the requester system that a requester (R-B) wants to request a realtime meeting M-B with target T-B, the meeting M-B to be disjoint in time with the meeting M-A; and such that one of the parties to M-A (R-A or T-A), known as the 'common party' is also the same as one of the parties to M-B (R-B or T-B) and thus there are only three distinct parties, the decider D being associated with the common party (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed. There is one agent that takes multiple calls from the queue and thus the agent is the common party);

sending to the decider system (D) a request to conduct a real time meeting M-B (See figures 2 and 3, column 5, lines 1-20 and 40-55, wherein a system receives the request for the meeting and queues the request);

queuing the request for the meeting M-B by the decider system, such that requests for at least two distinct meetings, disjoint in time are placed in the queue, so that multiple pending real time meetings for the common party are in the queue at the same time (See figures 2-3, column 5, lines 20-40, wherein the request is queued, and wherein a queue of callers requesting an agent is formed);

receiving by the decider system (D) an availability status of target T-B (See column 3, lines 1-15, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

receiving by the decider system (D) an availability status of the requester R-B (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

initiating, by the decider, one of the two meetings M-A and M-B by connecting the common party and the other party to that meeting when the common party and that other party are mutually available (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent); and

dequeuing the request for a meeting upon its completion (See at least column 5, lines 1-10, column 8, lines 25-30, wherein it is inherent that the call finishes and that the agent moves to the next requestor in the queue).

As per claim 3, Gisby et al. teaches wherein a system of the target T-A is polled to determine the target's availability (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy).

As per claim 4, Gisby et al. teaches wherein the system of the target T-A sends the target's availability status to the decider system (See column 5, lines 5-11, column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).

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As per claim 5, Gisby et al. teaches wherein a system of a party is polled to determine the party's availability (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy).

As per claim 6, Gisby et al. teaches wherein the system of a party sends the party's availability status to the decider system (See column 5, lines 5-11, column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).

As per claim 7, Gisby et al. teaches wherein mutual availability is determined by checking the availability of the requester and the target (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy or available. Further, see column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, which discusses availability and priority of the requester).

As per claim 8, Gisby et al. teaches wherein a request is sent to a plurality of targets and mutual availability is determined when the requester and a target is available (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent).

As per claim 54, Gisby et al. teaches displaying the availability status of the requester on the target system, along with an indication that the requester has requested a meeting (See column 6, lines 45-60, column 8, lines 25-45, wherein the target receives a pop-up concerning the requester).



As per claim 55, Gisby et al. teaches wherein the availability status is one of in, out, and unknown (See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 72, Gisby et al. teaches wherein the decider system a part of the system of the common party for whom it is responsible, and wherein the decider already knows the status of the common party for which it is responsible (The common party is construed as the agent. See figures 2 and 3, column 5, lines 1-20 and 40-55, which discuss the system of the agent(s). See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 73, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available based on priority information provided by either party (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester) or the order in time in which the requests were made (See figure 2, column 4, line 54-column 3, line 11, which discusses FIFO).

As per claim 74, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on ranking information including manual ranking through a user interface presented to the common party (See column 6, lines 45-60, column 8, lines 25-45, wherein the target receives a pop-up concerning the requester and has the ability to bump the current call or finish the current call).

As per claim 75, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on priority information provided by either party (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester).

As per claim 76, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on the order in time in which the requests were made (See figure 2, column 4, line 54-column 3, line 11, which discusses FIFO).

As per claim 77, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on relationship information about the parties based on party input or past history (see column 5, lines 60-67, wherein a customer database is used).

As per claim 78, Gisby et al. teaches wherein a non-common requester is party to another, distinct meeting request (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed).

As per claim 79, Gisby et al. teaches wherein a non-common target is party to another distinct meeting request (See figures 2-3, wherein there is a second agent with separate call handling).

As per claim 81, Gisby et al. teaches wherein if all parties become available at once, only one of the meetings M-A and M-B will occur immediately and the other meeting will remain queued (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-

50, wherein availability is based on priority of the requester, and thus the meeting with the higher priority will occur and the once with lesser priority will remain in the queue).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 56-57 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. (U.S. 6,044,146) in view of Vaios (U.S. 6,272,216)

As per claim 56, Gisby et al. teaches an availability status of the target T-A (See column 3, lines 1-15, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability). However, Gisby et al. does not expressly disclose displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target.

Vaios teaches displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target (See abstract, figure 2, column 4, lines 8-15, 35-58, column 5, lines 19-29, 38-39, and 53-67).

Both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. Vaios expressly discloses the requester side of these systems, wherein the requester may view status and other information about agents. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to view availability data and meeting requests by the requester in order to more efficiently let the

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requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

As per claim 57, Gisby et al. teaches wherein the availability status is one of in, out, and unknown (See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 80, Gisby et al. teaches wherein the target has two or more real-time meetings in the queue (See figures 2-3, column 5, lines 20-40). However, Gisby et al. does not expressly disclose that the requester has two or more real-time meetings in the queue.

Vaios teaches that the requester has two or more real-time meetings in the queue (See abstract, column 4, lines 8-15, 43-58, column 5, lines 19-29 and 53-56, wherein multiple requests to multiple agents are queued by the same requester system).

Both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to create a queue of outgoing calls while waiting for an agent in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

#### ***Response to Arguments***

10. Applicant's arguments with respect to Vardi et al. (U.S. 6,389,127) have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gisby (U.S. 6,002,760) teaches a call handling system for connecting callers and agents, wherein when an agent is busy, a caller utilizes a call back feature so he/she can proceed without waiting on the phone in queue.

Walker et al. (U.S. 6,125,178) discloses a call handling system that connects calls with agents based on monitored status.

Shaio (U.S. 5,299,260) discloses queuing requesters based on priority and arranging calls with available agents.

Flockhart et al. (EP 0 863 650 A2) discloses a system that manages waiting calls and selects a call in queue to be handled by an agent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*bvd*

bvd

July 22, 2006

*Beth Van Doren*  
Beth Van Doren  
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